



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
400 NORTH STREET, HARRISBURG, PA 17120

January 2, 2025

IN REPLY PLEASE  
REFER TO OUR FILE

Docket No. U-2024-3052618  
Utility Code 230073

ERIN K FURE ESQUIRE  
PENNSYLVANIA-AMERICAN WATER COMPANY  
852 WESLEY DRIVE  
MECHANICSBURG PA 17055  
[ERIN.FURE@AMWATER.COM](mailto:ERIN.FURE@AMWATER.COM)

RE: Public Utility Municipal Contract – Pennsylvania-American Water Company –  
Wastewater Division, Pottstown Borough Authority, and Borough of Pottstown at Docket  
No. U-2024-3052618

Dear Attorney Fure:

On December 19, 2024, Pennsylvania-American Water Company – Wastewater Division (PAWC-WD) filed the above-captioned document with the Pennsylvania Public Utility Commission (Commission). For the Commission to complete its analysis of the filing, please respond with the information requested in the attached document.

Please forward the information to the Secretary of the Commission at the address listed below **within ten (10) business days** from the date of this letter. All documents requiring notary stamps must have original signatures. The Commission strongly encourages submission through efilings with the Secretary of the Commission by opening an efilings account through the Commission website and accepting eservice at <https://efiling.puc.pa.gov>. The Commission is accepting all public documents through our efilings system at this time.

If your filing contains confidential material, you are required to either file by overnight delivery or submit to the Secretary's Share Point File system to ensure the timely filing of your submission. Filers should contact the Secretary's Bureau in advance to gain access to the Share Point File system. Make sure to reference the Docket Number listed above when filing your response. The overnight address for hard-copy or confidential responses is:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Please note your answers must be verified per 52 Pa. Code § 1.36. Accordingly, you must provide the following statement with your responses:

*I, [print name of appropriate company representative], hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).*

Signature \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_

Please contact the below staff person if any problems should arise that prevent a full response within ten business days or if any clarification of these data requests is needed. Please mark the materials “CONFIDENTIAL” in bold or highlighted manner if any of the requested information is deemed to be of a confidential nature.

In addition, to expedite completion of the review, please send a copy of the response to Paul Zander, in the Water/Wastewater Section of the Bureau of Technical Utility Services via e-mail at [pzander@pa.gov](mailto:pzander@pa.gov). Please also direct any questions to Paul Zander at telephone number (717) 783-1372. Thank you in advance for your cooperation.

Sincerely,



Rosemary Chiavetta  
Secretary

Enclosure: TUS Data Request Set 1

cc: Patrick Cicero, Office of Consumer Advocate (w/enclosure), [ra-oca@paoca.org](mailto:ra-oca@paoca.org)  
Melanie El Atieh, Office of Consumer Advocate (w/enclosure), [melatieh@paoca.org](mailto:melatieh@paoca.org)  
NazAarah Sabree, Office of Small Business Advocate (w/enclosure), [ra-sba@pa.gov](mailto:ra-sba@pa.gov)  
Allison Kaster, Bureau of Investigation & Enforcement (w/enclosure), [akaster@pa.gov](mailto:akaster@pa.gov)

TUS Data Request Set 1

Public Utility Municipal Contract – Pennsylvania-American Water Company – Wastewater Division, Pottstown Borough Authority, and Borough of Pottstown at Docket No. U-2024-3052618

Note: Please restate the data request prior to providing a response. In addition, provide the name and title of the person(s) providing the response and/or information for each data request.

- U-1. The Assumption and Extension of Transfer of Capacity Rights Agreement dated December 19, 2024 (December 2024 Assumption Agreement), Background Paragraph C referenced transactions to purchase additional capacity pursuant to the Transfer of Capacity Rights Agreement dated March 26, 2009 (March 2009 Transfer Agreement) in June 2010 and May 2011, both memorialized by invoices and payments. However, the December 2024 Assumption Agreement did not include copies of the purchase agreements and/or memorialized invoices and payments for the June 2010 or May 2011 transactions. Please provide a copy of the purchase agreements and/or memorialized invoices and payments for the June 2010 and May 2011 transactions.
- U-2. The December 2024 Assumption Agreement, Background Paragraph C referenced a Purchase Agreement dated October 13, 2020 (October 2020 Purchase Agreement) attached as Exhibit C. However, the filing did not include a copy of the October 2020 Purchase Agreement. Please provide a copy of the October 2020 Purchase Agreement.
- U-3. The March 2009 Transfer Agreement's fifth recital referenced an Attachment A. However, the filing did not include a copy of the March 2009 Transfer Agreement's Attachment A. Please provide a copy of the March 2009 Transfer Agreement's Attachment A.
- U-4. The March 2009 Transfer Agreement, Section 1.01(d) referenced a Sewage Treatment Service Agreement dated September 13, 2004 (September 2004 Service Agreement). However, the filing did not include a copy of the September 2004 Service Agreement. Please provide a copy of the September 2004 Service Agreement.
- U-5. The December 2024 Assumption Agreement's Exhibit B included a copy of an Extension of Transfer of Capacity Rights Agreement dated March 26, 2015 (March 2015 Extension Agreement). The March 2015 Extension Agreement, Background Paragraph E referenced a motion duly adopted by the Pottstown Borough Authority on December 16, 2014 (2014 Motion) authorizing the extension of a Side Letter. However, the March 2015 Extension Agreement did not include a copy of the 2014 Motion. Please provide a copy of the 2014 Motion authorizing the extension of the Side Letter.
- U-6. The December 2024 Assumption Agreement's Exhibit B included a copy of an Extension of Transfer of Capacity Rights Agreement dated October 21, 2019 (October 2019 Transfer Agreement). However, the October 2019 Transfer Agreement was not signed by all parties. Please provide a copy of the October 2019 Transfer Agreement that is signed by all parties.

TUS Data Request Set 1

Public Utility Municipal Contract – Pennsylvania-American Water Company – Wastewater  
Division, Pottstown Borough Authority, and Borough of Pottstown at  
Docket No. U-2024-3052618

- U-7. The December 2024 Assumption Agreement’s Exhibit C included a copy of a Purchase of Additional Capacity Agreement Pursuant to Transfer of Capacity Rights Agreement-March 26, 2009, dated July 2, 2013 (July 2013 Purchase Agreement). The July 2013 Purchase Agreement’s third recital referenced a Corrective Action Plan dated October 17, 2011 (2011 CAP). However, the filing did not include a copy of the 2011 CAP. Please provide a copy of 2011 CAP.